REMARKS

In the above-mentioned Office Action, all pending claims, claims 1-20, were rejected. Claims 1-10, and 13-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hansson (U.S. Patent No. 6,023,620), while claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Hansson (U.S. Patent No. 6,023,620) in view of Valentine (U.S. Pat. No. 6,018,654).

As discussed with the examiner, notwithstanding certain commonality in commercial value between the Hansson invention and the subject invention, there are substantial and patentable differences between the two inventions.

The Hansson reference clearly discloses and claims a technique for entirely replacing the operating code of a cellular mobile phone with a new version of the software. For this purpose, it uses dual memories coupled with a controller in the mobile phone that designates one of the two memories as being the active memory that contains the software to be used to operate the mobile phone and all its applications. The Hansson reference discloses a technique to update the mobile ·phone software by uploading a complete version of the updated software (presumably including all applications software modules as well) into the inactive memory, and then directing the controller to exchange the designations of the active and inactive memory.

As can be seen, this technique is wasteful in memory utilization, since on average, no more that 50% of the total memory capacity of the mobile phone may be used at any given time. Given the increasing complexity and size of mobile phone operating systems and associated applications, this technique is likely to become less useful with time, notwithstanding any memory cost reductions.

In contrast, the subject invention contemplates the updating of select elements of a mobile phone's operating environment. Updating one or more operational parameters is much more

efficient than the Hansson technique both in terms of transmission bandwidth utilization as well as in mobile phone memory utilization. Given the competitive conditions in both the telecommunications service provider market as well as the telecommunications equipment supplier markets, such efficiency improvements can prove enormously important in the marketplace.

Further distinctions can be drawn from the well known limitations in the carriage capacity of SMS messages (SMS messages are typically limited to 160 characters, or less). Needless to say, this size limitation makes it is virtually impossible to transmit a mobile phone's software inside a single SMS message. Notwithstanding this impossibility, the Hansson patent contemplate the use of a SMS message to send a full version of a mobile phone software to a mobile phone (see the second full paragraph in Column 4 of the Hansson patent).

In contrast, with the subject invention, it is easily possible to transmit one or more operating parameter to a mobile phone inside a single SMS message. Since SMS messages require less operating overhead as compared to data call connection setup and disconnection, this added efficiency could yield substantial commercial advantage. Thus the subject invention permits the data call during which the operational parameter update is delivered to be an SMS message.

The foregoing arguments are further buttressed by the fact that the Hansson reference does not disclose any segmentation scheme to transmit the entire mobile phone software package over multiple SMS messages. Nor does the Hansson reference disclose any error correction scheme for the wireless delivery of revised mobile phone software, since checksums can only be used for detecting 1-bit errors. In contrast, the subject invention includes a data call status reporter capable of more sophisticated analysis, detection, and correction of operational parameter transmission errors. Notwithstanding the foregoing, Applicant would like to respectfully draw the Examiner's attention to

the fact that transmission accuracy is a function of message size, making the scheme contemplated in the subject invention less susceptible to errors.

As discussed at the Examiner Interview, Applicant has further amended independent claims to clarify the meaning of the term "operational parameter" so as to distinguish the subject invention from the Hansson reference. Applicant respectfully draws the Examiner's attention to the fact that this term is discussed in the original disclosure (see, for example, pages 2-3 of the initial patent application, as amended).
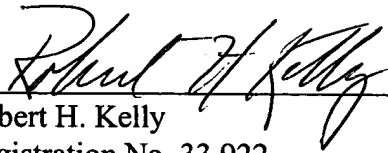
Applicant also wishes to use this response as an opportunity to correct some typographical errors that have crept into the disclosure.

In light of the above, and the arguments presented earlier, Applicant believes that claims 1-10 and 13-20 as amended are allowable over Hansson, and that claims 11 and 12 are allowable over Hansson in view of Valentine, and respectfully requests the Examiner to allow the same.

Respectfully submitted,

Date: _19 Jan 04_

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